

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:10-cv-00159-MR**

**SOCIEDAD ESPANOLA de
ELECTROMEDICINA y
CALIDAD, S.A.,**

Plaintiff,

vs.

**BLUE RIDGE X-RAY COMPANY, INC.,)
DRGEM USA, INC. and)
DRGEM CORPORATION,)**

Defendants.)

ORDER

THIS MATTER is before the Court on the Defendants' Unopposed Motion to File Oversize Brief in Support of Motion for Summary Judgment [Doc. 85] and the Defendants' "Conditional Motion for Summary Judgment on Willful infringement" [Doc. 88].

The Defendants move the Court for an Order allowing them to file a brief in support of a motion for summary judgment that is five pages longer than the 25-page limit established by the Pretrial Order and Case Management Plan [Doc. 66]. For grounds, the Defendants state that they wish to include drawings in the body of the brief to assist the Court in

understanding the Defendants' factual and legal arguments. Additionally, the Defendants argue that five additional pages are reasonably necessary to make coherent arguments in support of their motion for summary judgment. [Doc. 85]. The Plaintiff does not oppose the Defendants' request.

To the extent that the Defendants believe that drawings will assist the Court in understanding their arguments, such drawings may be included in an appendix to the Defendants' brief. Moreover, the Court is confident that the Defendants can present coherent and concise arguments within the established 25-page limit. Accordingly, the Defendants' request for a page extension is denied.

The Defendants have filed two motions for summary judgment in this matter: (1) a motion for summary judgment on the Plaintiff's claim of patent infringement and on the Defendants' counterclaim for declaratory judgment of non-infringement and (2) a "conditional" motion for summary judgment on the issue of willful infringement. [Docs. 86, 88].

The Defendants are entitled to file only one dispositive motion in this action. To the extent that the Defendant wish to seek summary judgment on the issue of willfulness, they may do so as part of their motion for summary judgment addressing the issues pertaining to infringement.

IT IS, THEREFORE, ORDERED that the Defendants' Unopposed Motion to File Oversize Brief in Support of Motion for Summary Judgment [Doc. 85] is **DENIED**.

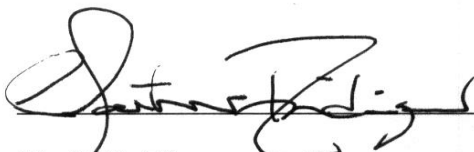
IT IS FURTHER ORDERED that the Defendants' Memorandum in Support of Motion for Summary Judgment of Non-Infringement [Doc. 87] is **STRICKEN**.

IT IS FURTHER ORDERED that the Defendants' Conditional Motion for Summary Judgment on Willful Infringement [Doc. 88] and the supporting Memorandum [Doc. 89] are **STRICKEN**.

IT IS FURTHER ORDERED that the Defendants may file a Memorandum in support of their Motion for Summary Judgment [Doc. 86], not to exceed twenty-five (25) pages, on or before **August 8, 2014**. The Plaintiff's deadline for responding to the Defendants' Motion for Summary Judgment shall run from the date on which the Defendants file their Memorandum.

IT IS SO ORDERED.

Signed: August 1, 2014


Martin Reidinger
United States District Judge

